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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,655	03/01/2000	Thomas C. Thompson		3209

7590

02/18/2004

Thomas C Thompson  
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Makakilo, HI 96707

EXAMINER
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GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/516,655

Applicant(s)

THOMPSON, THOMAS C.

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

- A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-23 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Way, Sr., 5,813,173 (see marked-up attachments).

Regarding claim 1, Way, Sr. discloses in Figures 3, 4 and 6 a unitary connector comprising a base web **18** (the right one in Fig. 4), offset, angled, blocking webs **A2** (Fig. 3), and an offset web **16**. The blocking webs **A2** each have a generally right angled bend **A3** forming a rafter tab **A4** (Fig. 6). The base web **18** and each of the blocking webs **A2** is connected by the offset web **16**. The offset web **16** has a first acute angled bend **A6** attached to the base web **18** and a second, unequal, acute angled bend **A7** attached to the blocking webs **A2**.

The connector is able to retrofit onto existing buildings and help prevent hurricane and earthquake damage by positively connecting a roof to a wall.

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Regarding claim 3, the offset web **16** is connected to the base web **18** by the first acute angled bend **A6** at an acute angle.

Regarding claim 4, the offset web **16** is connected to the blocking webs **A2** by the second, unequal, acute angled bend **A7** at an acute angle.

Regarding claim 5, the first acute angled bend **A6** and the second, unequal, acute angled bend **A7** are attached to opposite ends of the offset web **16**, having generally unequal acute bends in opposite directions, thereby offsetting the blocking webs **A2** at an acute angle from the base web **18** and avoiding frieze boards or blockings on a house.

Regarding claim 6, the first acute angled bend **A6**, the second, unequal, acute angled bend **A7**, and the offset web **16** forming the base web **18** and the blocking webs **A2** unparallel to each other. Thereby forming a buttress between a roof rafter and the wall with underlying structural members, thereby preventing the exterior wall from detaching from the roof.

Regarding claim 7, the blocking webs **A2** divide the blocking webs **A2** into generally equal left and right blocking webs **A2**.

***Allowable Subject Matter***

Claims 15-23 are allowed.

Claims 2, 8, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 2, the prior art of record does not disclose or suggest a unitary connector comprising a base web having a plurality of nail holes. In Way, Sr., there is no reason to provide nail holes to the base web as the base web does not get attached to structure;

regarding claim 8, the prior art of record does not disclose or suggest a unitary connector comprising each rafter tab having nail holes. In Way, Sr., there is no reason to provide nail holes to the rafter tabs as the tabs do not get attached to structure;

regarding claim 9, the prior art of record does not disclose or suggest a unitary connector comprising blocking webs having a plurality of nail holes. In Way, Sr., there is no reason or motivation to provide nail holes to the blocking webs as the blocking webs do not attach to structure;

regarding claim 10, the prior art of record does not disclose or suggest a unitary connector comprising attaching means on a base web, rafter tabs, and blocking webs.

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In Way, Sr. there is no reason or motivation to provide attachment means to the base web, the rafter tabs, or the blocking webs;

regarding claim 15, the prior art of record does not disclose or suggest an apparatus comprising offset, angled, blocking tabs having each a sheathing tab attached at a generally right angled bend; and,

regarding claims 16-23, these claims depend from claim 15.

Applicant's arguments with respect to claims 1, 3-5 and 7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this

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application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

  
**Anthony Knight**  
**Supervisory Patent Examiner**  
**Group 3600**

**Lynne H. Browne**  
**Supervisory Patent Examiner**  
**Technology Center 3600**

E.G.

January 20, 2004

Attachments: three marked-up copies of Way, Sr., 5,813,173 showing Figures 3, 4 and 6.

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5,813,173





